



**SCO-POL-06-01**  
**Anti Social Behaviour Policy**



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## 1. Introduction

Torus Housing Group (“Torus”) is a unique housing group, combining the very best of two local community led landlords, Torus (“Helena”) and Golden Gates Housing Trust (“GGHT”). Reference in this policy includes both Helena and Golden Gates Housing Trust (for example a “Torus tenant” may be either a Helena or a Golden Gates Housing Trust tenant). We own approximately 22,000 properties most of which were formerly owned by St Helens and Warrington Borough Council.

This statement of policy is intended to be comprehensive, clear and accessible. It outlines our general approach to addressing anti-social behaviour. However our overriding consideration is to consider each situation on its particular facts against the framework and guidance provided by our statement of policy and statement of procedures.

This statement of policy is published on our website [www.helenapartnerships.co.uk](http://www.helenapartnerships.co.uk) or [www.gght.org.uk](http://www.gght.org.uk) and is available for inspection at our offices at 4 Corporation Street, St Helens and Bank Park House, Kendrick St, Warrington. It is also available on request in printed hard copy form (on receipt of reasonable copying charges) as well as translation and alternative formats including Braille and large print. We will review this statement of policy annually.

This statement of policy ought to be considered in conjunction with our statement of procedures which outlines our procedures when dealing with complaints and/or occurrences of anti-social behaviour.

We also publish a summary of our anti-social behaviour policy and procedure which is available on our website [www.helenapartnerships.co.uk](http://www.helenapartnerships.co.uk) or [www.gght.org.uk](http://www.gght.org.uk) and on request in printed hard copy form as well as translation and alternative formats including Braille and large print. Copies of the summary are available free of charge.

This statement of policy and its delivery are designed to be compatible with:

- Our existing obligations consequent on legislation including but not limited to:
  - Anti-Social Behaviour Act 2003
  - Crime and Disorder Act 1998
  - General Data Protection Regulations May 2018
  - Equality Act 2010
  - Freedom of Information Act 2000
  - Homelessness Act 2002
  - Housing Act 1988
  - Housing Act 1996
  - Human Rights Act 1998
  - Protection from Harassment Act 1997
  - Race Relations Acts
  - Anti-Social Behaviour, Crime and Policing Act 2014
- Other relevant policies which we operate. Examples include:
  - Diversity and Inclusion Statement of Intent
  - Starter Tenancy Policy (and review policy)
  - Absolute possession review policy / procedure
  - Allocations Policies (Helena and GGHT)
  - Complaints and Compliments Policy
  - Domestic Violence policy
  - Respect and Social Responsibility Statement
  - Safeguarding Policies for Adults and Children.

We always welcome feedback on any of our policies, procedures or services. If you have any comments, compliments or complaints about this policy please let us know.

Feedback may be made in one of the following ways:

- by telephone to One Call: 01744 637383/01925 452452
  - in person to any of our offices (see Appendix 1 for our list of offices)
  - via the website [www.helenapartnerships.co.uk](http://www.helenapartnerships.co.uk) and [www.gght.org.uk](http://www.gght.org.uk)
  - in writing to Helena Central, 4 Corporation Street, St Helens, WA9 1LD or Bank Park House, Kendrick Street, Warrington, WA1 1UZ
- by email to [enquiries@wearetorus.co.uk](mailto:enquiries@wearetorus.co.uk)

## **2. General Statement of Strategy / Policy**

As part of the St Helens/Warrington Community Safety Partnerships, we aim to protect our communities, prevent anti-social behaviour and promote a safe living environment. We expect individuals and groups to behave with respect to others and in a manner which does not interfere with the comfort or well-being of other individuals or groups in our communities, whether those individuals or groups live and/or work and/or are lawfully visiting our communities.

We recognise that if left unchallenged anti-social behaviour can have a very significant effect on the quality of life of individuals and groups within our communities and can impact on the welfare of communities as a whole. Accordingly we aim to tackle what are often diverse and complex issues around anti-social behaviour using a range of tools including prevention, support and enforcement with the objective of delivering a proportionate and flexible response to the challenges that anti-social behaviour presents.

We look to address anti-social behaviour as early as possible because this may prevent situations from escalating and may stop the anti-social behaviour. However in some cases, for example where anti-social behaviour is serious or where anti-social behaviour continues notwithstanding our efforts to tackle it, it may be appropriate to use robust and swift enforcement action to meet our objectives of protecting communities and preventing anti-social behaviour.

We aim to respond to the recent changes in legislation brought about by the Anti-Social Behaviour, Crime and Policing Act 2014 by embedding the new legislation and guidance in the operational delivery of our strategy of protecting our communities, preventing anti-social behaviour and promoting a safe living environment.

The tools and powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (including, but not limited to, civil injunctions, criminal behaviour orders, dispersal powers, community protection notices, public spaces protection orders, closure powers and absolute orders for possession) will form part of the operational delivery of this policy by ourselves and/or in conjunction with our partners.

At the beginning of any tenancy we will inform tenants that they are responsible for their own behaviour and for the behaviour of their household and visitors to their property. All new tenants will be asked to sign a Respect and Social Responsibility Statement outlining their commitment to respect others in the community. This emphasises the seriousness with which we view anti-social behaviour in our properties and in our communities.

In order to keep staff up to date with changes to legislation and best practice we make use of in-house training for our staff as well as arranging to host and/or attend training provided by external training providers and other housing providers.

Ultimately we aim to:

- Provide a high quality service to tackle and resolve anti-social behaviour within our communities
- Support complainants and their families and encourage reporting of issues
- Communicate effectively with partners by sharing intelligence and where appropriate use 'joint working' to tackle anti-social behaviour
- Work with communities and partners to find the most appropriate resolution to the issues they face so that communities feel engaged and empowered
- Proactively tackle anti-social behaviour 'hotspots'
- Pay particular attention to protect those most vulnerable from the effects of anti-social behaviour
- Manage those who cause anti-social behaviour using appropriate and proportionate intervention, rehabilitation, support and/or enforcement depending on the facts of the particular case with the aim of preventing anti-social behaviour, promoting community protection and deterring and rehabilitating perpetrators
- Help individuals and groups to reach a common understanding about what does and does not constitute anti-social behaviour and how minor lifestyle differences or everyday living noise may not constitute anti-social behaviour
- Provide safe neighbourhoods and communities in the areas where we own homes
- Provide consistent and clear information to enable customers to understand our policies and procedures, who to contact with any query or report of anti-social behaviour and to help customers to understand how and by whom a report will be investigated and managed
- Direct individuals who contact us with concerns or other enquiries concerning anti-social behaviour or related matters to the correct department
- Ensure that our specialist staff are trained to manage complaints proactively
- Operate and develop tools to measure customer satisfaction

### **3. What is Anti-Social Behaviour?**

'Anti-Social Behaviour' is a broad term but for the purpose of the obligations imposed by Section 218A Housing Act 1996 ["the 1996 Act"] since the coming into force of the Anti-Social Behaviour, Crime and Policing Act 2014 ["the 2014 Act"] 'Anti-Social Behaviour' has been defined in Schedule 11 Part 1 paragraph 23 of the 2014 Act as:

- conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord's housing management functions; or
- conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.

The term 'housing management function' is a wide one which covers anything undertaken as part of our day to day or strategic management of our housing stock. Matters which 'indirectly affect' our housing management function might relate to housing support, tenancy intervention or other services which promote the efficient operation of our landlord function. Again the definition is wide.

We also consider hate crime and harassment to be capable of being anti-social behaviour and such matters will be considered by Helena Partnerships and Golden Gates Housing Trust within the framework of this policy and procedure.

We consider that what does and does not amount to anti-social behaviour will frequently turn on the facts of a particular case.

We know that anti-social behaviour can have a disruptive and damaging effect on individuals within our communities and on our communities as a whole. As is made clear in the definition set out above anti-social behaviour can impact upon 'any person'. This wide definition includes, but is not limited to, tenants and owner occupiers but also includes workers and visitors to our communities. It includes adults and children.

Anti-social behaviour may or may not constitute criminal activity. A key determinant in deciding whether particular behaviour is anti-social or not will be the impact of the behaviour on others but it is to be emphasised that this is not the only relevant consideration. We will consider all relevant circumstances when determining whether we consider conduct to be anti-social behaviour.

The types of conduct that may amount to anti-social behaviour include (but are not limited to):

- noise nuisance (for example loud parties, shouting, noise from TVs and Hi-fi's);
- intimidation and harassment;
- local environmental quality issues (for example litter, dog fouling, graffiti, fly tipping and nuisance vehicles);
- aggressive and threatening language and behaviour;
- actual violence against people and property (including domestic violence);
- hate behaviour that targets members of identified groups because of their perceived differences (for example race and ethnicity, gender, age, religion, sexual orientation, mental health or disability); and
- using housing accommodation or areas in the locality of housing accommodation to possess, take and/or sell drugs, or for other unlawful purposes; and
- aggressive begging; and
- owning and/or keeping animals that are uncontrolled and/or neglected
- vehicle crime and/or the use of motorised vehicles (including bikes) in a manner which causes or is likely to cause nuisance or annoyance

What is and is not anti-social behaviour in any given situation will require consideration of the circumstances of the case. However not all matters of concern will constitute anti-social behaviour. Examples of issues which may not be considered to be anti-social behaviour include:

- Noise from children playing
- Disagreements about parking
- Civil disputes such as boundary issues
- One-off incidents of noise disturbance
- Living or domestic noises including ordinary conversation heard through walls or floors, neighbours walking around their home as part of the normal use of their property, domestic activities such as vacuuming or using washing machines which are being carried out in a reasonable and considerate manner.

#### **4. Expected Standards of Behaviour**

We expect our tenants to behave appropriately and in accordance with the terms of their tenancy agreements. The tenancy agreements we use contain a number of conditions relating to the conduct of tenants, those who live with tenants and those who visit tenants. These conditions cover a range of matters including, but not limited to, anti-social behaviour, criminal conduct and matters relating to animals / pets.

Our tenants are not only responsible for their own conduct but are also responsible for the conduct of any person residing at or occupying their property (whether adults or children). Our tenants are also

responsible for the conduct of any lawful visitor to their property, whether that visitor is an adult or a child.

We will act in appropriate cases to protect owner-occupiers or those in other tenures from the actions of our tenants, their households and/or visitors. In appropriate cases we will take action against owner occupiers or people in other tenures to protect our tenants, their households and/or visitors.

## **5. Supporting policies, procedures and/or processes**

We utilise a number of supporting policies / procedures and/or processes when dealing with issues of anti-social behaviour. These include:

### ***Supporting complainants and witnesses***

We aim to effectively support complainants and witnesses. We aim to boost the confidence of witnesses, partner agencies and the wider community in a context where the safety and well-being of victims and witnesses is a primary consideration.

Practical steps to support complainants and witnesses may include:

- Being clear about how incidents of anti-social behaviour may be reported and making reporting channels as simple as possible
- Dealing with reported complaints promptly and keeping complainants and witnesses informed of relevant developments
- Referring individuals to support services where necessary (e.g. Victim Support)
- Agreeing a realistic action plan with individuals where appropriate and communicating with them on a regular basis by an agreed method of communication throughout the investigation and any subsequent action
- Risk assessing and using physical measures in appropriate cases to reassure complainants or witnesses (e.g. personal alarms or fireproof bags for letterboxes)
- Providing details of emergency out of hours contacts
- Informing relevant officers such as caretakers or wardens so that they can keep a 'look out' where appropriate
- In cases where enforcement action is taken, discussing and explaining the processes involved and supporting complainants and witnesses through the process (e.g. by providing transport to court in appropriate cases and support at court to ensure that complainants and witnesses are adequately safeguarded)
- Agreeing the provision of ongoing support and/or support referrals following the conclusion of enforcement action or other steps where appropriate.
- Liaising with the police in appropriate cases.

### ***Professional witnesses and covert surveillance***

In appropriate cases we will consider the use of professional witnesses and/or covert surveillance to gather or support evidence of anti-social behaviour. Any such consideration will be based on the facts of the particular case.

### ***Racial and other harassment / Hate Crime***

We take harassment / hate crime in any form against any member of our community extremely seriously. Such conduct can have a very traumatic effect on the victim and a divisive effect on our communities. Racial and other harassment and hate crime may include, but is not limited to, violence, intimidation and/or abuse towards a person or group of people (or damage to their property) because of their race,

colour, ethnic or national origin, gender identity, sexual orientation, marital status, disability, age or religion.

For recording purposes we define hate crime as behaviour committed against a person or property which is motivated by hostility towards someone based on their race, colour, ethnic or national origin, gender identity, sexual orientation, marital status, disability, age or religion.

We look to involve our partners (e.g. Merseyside & Cheshire Police) in these sorts of cases wherever appropriate. A list of hate crime support services is appended to this document at Appendix 2.

We are committed to:

- Eliminating unlawful discrimination and harassment
- Promoting good relations between people of different backgrounds
- Maximising the reporting of incidents that are 'hate' motivated
- Supporting complainants and their families
- Taking action against perpetrators
- Monitoring the number of racial harassment and other hate crime incidents by type and geographical area
- Monitoring the actions taken in such cases by ourselves and partners and satisfaction levels during and following case completions
- Reporting key monitoring data to Board on a regular basis to give assurance that we are meeting our aims and objectives

### ***Domestic violence***

We want to achieve a community that does not tolerate domestic abuse and that affords effective support to all of its victims (whether adults or children) whilst at the same time holding perpetrators to account.

Domestic violence may fall within the definition of anti-social behaviour. Each case must be considered on its facts. We are mindful of the need to ensure that victims are supported in accessing remedies specifically designed to address domestic violence (for example non-molestation orders) whilst other enforcement tools may be used by us and/or other agencies in appropriate cases (e.g. to provide protection to the victim and/or prevent impact on the wider community).

### ***Prevention of anti-social behaviour***

Prevention is an integral part of our approach to anti-social behaviour. We utilise a range of initiatives in appropriate cases which are designed to prevent anti-social behaviour from occurring using a mix of education, engagement, communication and support. The initiatives we use or can access in appropriate cases include:

- Regular estate inspections which enable us to identify any 'hotspot' issues / areas and 'clean up' campaigns on our estates
- Diversionary activities which we arrange and which are arranged through St Helens and Warrington Councils.
- Use of Acceptable Behaviour Contracts and mediation services
- Designing out crime ('secure by design' principles) and the use of CCTV and 'alley gating' in appropriate areas in conjunction with St Helens and Warrington Councils.
- Use of our allocations policy to seek to mitigate the risk of new tenants behaving in a criminal or anti-social manner
- Use of starter tenancies and the Respect and Social Responsibility Sign-Up Statement to emphasise the importance of behaviour and community safety

- Tenancy support schemes
- Multi-agency partnerships
- Education and raising awareness (this includes publicising cases where anti-social behaviour and criminal activity have been identified and publicising campaigns to tackle criminal and anti-social behaviour)

### ***Specialist support***

When looking at issues of community protection, including the protection of actual or potential victims of anti-social behaviour, we consider the positive impact that support might have on victims of anti-social behaviour. We also consider the positive impact that support might have on perpetrators who might themselves be vulnerable.

By way of example there may be scope for support in cases including, but not limited to, those directly or indirectly caused by drug use, alcohol use, mental health, learning difficulties, relationship breakdown and/or disability.

Where appropriate we engage the services of our in house tenancy sustainment team which provides support and practical help to enable people to manage their tenancies and/or access specific support if appropriate. The team accept referrals from officers and can make an assessment of needs.

Often the process of support will involve the engagement of specialist agencies external to Helena Partnerships. Examples of organisations we work with are provided later in this statement of policy. We often attend multi-agency meetings where a group of professionals from a variety of backgrounds meet to discuss complex cases which may require intervention from a number of agencies at the same time.

Support may take many forms. For example it may assist tenants who are responsible for causing anti-social behaviour to sustain their tenancies. Supporting victims may involve looking at ways to mitigate the effects of anti-social behaviour whilst steps are taken to tackle the perpetrator(s) of the anti-social behaviour.

Effective interventions by specialist agencies can help ensure that key professionals are involved at an early stage to prevent or manage issues as they arise. Specialist agencies may include, but are not limited to, the local community mental health team, drug action teams, local drug and/or alcohol support organisations and local mental health services.

In cases involving young perpetrators there are often, although not always, problems with their family and/or school. In such cases we will try and identify the cause or causes of the young person's anti-social behaviour and we will consider involving their parent(s) or guardian(s) and/or school if appropriate.

We can also refer cases to the St Helens Priority Families project and Warrington Complex Needs project. We will consider seeking information from other agencies such as The Youth Offending Service and/or Restorative Solutions. We can refer suitable cases to Children and Younger People's Services at St Helens and Warrington Councils.

We look to use acceptable behaviour contracts with young perpetrators where we feel these are likely to be effective.

Whether perpetrators are adults or children we look to achieve long term changes in their behaviour and seek to prevent displacement of anti-social behaviour.

## **Multi-agency partnerships**

We are committed to partnership working. We are part of the wider community and share the problems and challenges of our community. Often the causes of anti-social behaviour and the solutions to anti-social behaviour do not lie within the remit of a single organisation.

Partnership working is vital if we are to deal effectively with the incidence of, causes of and consequences of anti-social behaviour within our communities. Working in conjunction with other agencies and organisations gives us the best chance of swiftly and robustly targeting resources effectively with the aim of preventing anti-social behaviour and protecting our communities.

Multi-agency partnerships provide a co-ordinated approach driven by specialist agencies which can help perpetrators to get assistance they need to support their rehabilitation whilst at the same time assisting victims to obtain support.

We work with a variety of partners, for example:

Merseyside & Cheshire Police	Investigate crime. Lead agency on crime reduction, prevention and enforcement by way of prosecution.
St Helens/Warrington Council	We work with numerous departments including social care, education and The Youth Offending Service. We are also involved with groups relating to anti-social behaviour, hate crime, domestic violence, violent crime and youth offending as part of the anti-social behaviour strategy for each Borough.
Neighbourhood Action & PTAC Groups	These multi-agency groups are chaired by the Safer Communities (St Helens/Warrington Councils), co-ordinated by them and meet once per month across the neighbourhood policing areas in St Helens/Warrington. The groups aim to tackle localised crime and anti-social behaviour. A representative of Helena Partnerships and GGHT sits on each group.
St Helens/Warrington Community Safety Partnerships	A senior officer of Helena Partnerships/GGHT attends this group whose function is to monitor and oversee community safety for the Borough.
Merseyside & Cheshire Fire & Rescue service	Undertake a range of programmes to prevent children and young people becoming involved in fire related crime and anti-social behaviour.
Victim Support	Provide emotional and practical help, information and support for victims. Provide help and support for witnesses involved in the court process (e.g. support to witnesses who are attending court to give evidence)
Riverside H/A, Regenda, Your Housing, Knowsley Housing Trust, Symphony H/A & Affinity Sutton H/A.	Private registered providers of social housing

## **6. Confidentiality, Data Protection and information exchange**

Whilst we respect privacy and confidentiality and are mindful of our legal obligations under the Data Protection Act 1988, (GDPR from May 2018), tackling anti-social behaviour requires robust information

exchange between statutory and non-statutory agencies. We have agreed specific protocols for information sharing with St Helens/Warrington Councils and Merseyside & Cheshire Police.

We will share information with other agencies where it is lawful to do in order to help us to detect and prevent anti-social behaviour and to protect our communities. The type of information which might be shared includes, but is not limited to:

- The nature and location of incidents of anti-social behaviour
- Personal information as to complainants and witnesses
- Details of relevant visits to the property by agencies including the police
- Convictions, cautions, reprimands, bail conditions, progress of criminal cases

Complainants may seek to provide information confidentially. This may be for a variety of reasons, for example because they are fearful of retaliation by the perpetrator if they are identified. Our policy is to seek permission before disclosing the identity of complainants and witnesses to perpetrators, their legal representatives or other interested parties. Where anonymous evidence may by virtue of its content necessarily reveal the identity of the maker of the statement we will discuss this with the maker of the statement. Notwithstanding any request for anonymity information relating to complainants and perpetrators may however have to be shared with other agencies for lawful purposes such as the purpose of preventing crime.

## **7. Publicity**

Our *'Policy and Procedure for Addressing Issues of Publicity in Anti-Social Behaviour Cases'* provides the framework within which we consider the use of publicity in order to pursue legitimate aims including, but not limited to, supporting and reassuring communities, informing communities of methods of reporting anti-social behaviour, informing communities of successful efforts to protect them and the prevention of anti-social behaviour by providing a deterrent effect to known and/or potential perpetrators of anti-social behaviour.

Publicity may take many forms including, but not limited to, media coverage, targeted leafleting or use of the internet including, but not limited to, the Helena Partnerships/GGHT websites and/or social media.

When considering whether to publicise and, if so, when, by what means and over what time period, we take account of the particular circumstances of each case and ultimately ask, in light of those circumstances, whether the proposed publicity is necessary and proportionate having regard to the identified aims of the publicity.

## **8. Protection of staff**

We will not tolerate anti-social behaviour directed towards staff or our contractors or anti-social behaviour committed in the presence of our staff or contractors. We will take a very robust approach to such incidents and will look to take enforcement action against perpetrators in such circumstances to protect our staff and contractors wherever appropriate. This may include, but is not limited to, the use of injunctions (with or without powers of arrest) and/or possession proceedings and/or referral of conduct to the police for investigation.

## **9. Performance indicators and monitoring**

It is important that we carry out effective monitoring of complaints of anti-social behaviour and the services we provide in an effort to protect people and prevent anti-social behaviour. Effective monitoring will enable us to:

- Distinguish between different types of ASB in our area
- Identify the areas where ASB is prevalent and gain an understanding of the nature and location of these areas
- Identify and develop action plans to tackle key priorities and issues
- Evaluate the effectiveness of initiatives intended to tackle ASB.

Effective monitoring will be carried out by ensuring that:

- All reports of ASB are recorded onto our case management system
- All reported incidents are categorised and actioned appropriately
- All incidents, actions, interviews etc. are recorded and inputted onto our case management system
- Investigating officers complete monthly progress reviews on their cases and review their caseload regularly with their line manager
- Complainants and witnesses are asked to complete a satisfaction questionnaire at the end of a case and results are reviewed and analysed
- Complaints, compliments and comments about the service are recorded onto the case management system, responded to and used to inform future policy, procedure and service delivery

The data we collect will be used to:

- Analyse the type and nature of ASB across particular locations and measure this against the local and national picture
- Identify areas of concern and 'hot spots' of ASB and develop strategies and initiatives to tackle these
- Measure the success of these by measuring the impact on the levels and types of reported incidents.
- Measure our performance against our strategic aims and timescales
- Measure our performance against best practice regionally and nationally.
- Report on the above matters to the Board as and when required.

## APPENDIX 1

### Head Office

Helena Central, 4 Corporation Street, St Helens, WA9 1LD  
Open Monday to Friday 9am to 5pm.

Bank Park House, Kendrick Street, Warrington WA1 1UZ  
Open Monday to Friday 9am to 5pm.

## APPENDIX 2

### Hate Crime Support Services

St Helens/Warrington Services		
Organisation	Telephone	Website
Age UK (help for older people)	01744-453198 or 01925 244645	<a href="http://www.ageuk.org.uk">www.ageuk.org.uk</a>
Barnardo's Catalyst Service (support for disabled children)	01744-818930 or 01925 654400	<a href="http://www.barnardos.org.uk">www.barnardos.org.uk</a>
Chrysalis Centre For Change	01744-451-309	<a href="http://www.chrysaliscentreforchange.co.uk">www.chrysaliscentreforchange.co.uk</a>
Citizens Advice Bureau	01744-737866 01925 246994	<a href="http://www.sthelenscitizensadvicebureau.co.uk">St Helens Citizens Advice Bureau</a> <a href="https://www.warrington-advice.co.uk">https://www.warrington-advice.co.uk</a>
Disability Advice St Helens/Warrington	01744-453-053 01925 240064	<a href="http://www.sthelensgateway.info/organisations/dash">http://www.sthelensgateway.info/organisations/dash</a> <a href="http://www.disabilitypartnership.org.uk">http://www.disabilitypartnership.org.uk</a>
Helena Partnerships/Golden Gates Housing Trust	01744-63-73-83	<a href="http://www.helenapartnerships.co.uk">www.helenapartnerships.co.uk</a> <a href="http://www.gght.org.uk">www.gght.org.uk</a>
Home Start (family support charity)	01744-737-400 01925 652320	<a href="http://www.home-start.org.uk">www.home-start.org.uk</a>
Hope Centre (support for vulnerable people)	01744-26-414	<a href="http://www.hopecentre.org.uk">www.hopecentre.org.uk</a>
Independent Living Alliance	01744-610-260 01925 240064	<a href="http://www.sthelensils.com">www.sthelensils.com</a> <a href="http://www.disability.partnership.org.uk">www.disability.partnership.org.uk</a>
KEMS (work with victims of racial hate crime)	07890948912	<a href="http://www.kemsgroup.co.uk">www.kemsgroup.co.uk</a>
Making Space (mental health & carers support)	01925 571680	<a href="http://www.makingspace.co.uk">www.makingspace.co.uk</a>
Merseyside & Cheshire Fire & Rescue Service (home fire safety)	0800-731-5958 or 01606 868700	<a href="http://www.merseyfire.gov.uk">www.merseyfire.gov.uk</a> <a href="http://www.cheshire.gov.uk">www.cheshire.gov.uk</a>
Merseyside & Cheshire Police	999 (emergency) 101 (non-	<a href="http://www.merseyside.police.uk">www.merseyside.police.uk</a> <a href="http://www.cheshire.police.uk">www.cheshire.police.uk</a>

(Sigma Units)	emergency)	
Merseyside & Cheshire Community Rehabilitation Company (work with offenders, & victim liaison)	01744-630-229 0300 0479017	<a href="http://www.merseysidecrc.co.uk/">http://www.merseysidecrc.co.uk/</a> <a href="http://www.cgmcrc.co.uk">www.cgmcrc.co.uk</a>
Open Mind (St Helens, Halton & Cheshire Mental Health Services)	01744 457221 0151 511 5688	<a href="http://www.bridgewater.nhs.uk/haltonsthelens/">http://www.bridgewater.nhs.uk/haltonsthelens/</a> <a href="http://www.warringtoniapt.org.uk/">http://www.warringtoniapt.org.uk/</a>
Rape & Sexual Abuse Support Centre	01744 877987 01925 221546	<a href="http://www.rapecentre.org.uk">www.rapecentre.org.uk</a>
Shopmobility St Helens/Warrington	01744-613-388 01925 240064	<a href="http://www.shopmobilityuk.org/">http://www.shopmobilityuk.org/</a> <a href="http://www.disabilitypartnership.org.uk">http://www.disabilitypartnership.org.uk</a>
St Helens & Warrington Carers Centre	01744-675-615 01925 633492	<a href="http://www.sthelenscarers.org.uk">www.sthelenscarers.org.uk</a> <a href="http://www.wired.me.uk">www.wired.me.uk</a>
St Helens & Warrington Chamber – Business Crime Coordinator	01744-742-000 01925 715150	<a href="http://www.sthelenschamber.com">www.sthelenschamber.com</a> <a href="http://www.warringtonchamber.co.uk">www.warringtonchamber.co.uk</a>
St Helens Coalition of Disabled People	01744-453-343	<a href="http://www.sthelenscdp.co.uk">www.sthelenscdp.co.uk</a>
St Helens & Warrington Council - Adult Safeguarding Unit	01744-676-600 01925 443322	<a href="http://www.sthelens.gov.uk">www.sthelens.gov.uk</a> <a href="http://www.warrington.gov.uk">www.warrington.gov.uk</a>
St Helens & Warrington Council (Safer Communities)	01744-45-6789 01925 443322	<a href="http://www.sthelens.gov.uk">www.sthelens.gov.uk</a> <a href="http://www.warrington.gov.uk">www.warrington.gov.uk</a>
St Helens & Warrington Deafness Resource Centres	01744-238-87 01925 232551	<a href="http://www.deafnessresourcecentre.org">www.deafnessresourcecentre.org</a>
St Helens & Warrington Gypsy Traveller Liaison Officer	01744-67-1683 01925 443322	<a href="http://www.sthelens.gov.uk">www.sthelens.gov.uk</a> <a href="http://www.warrington.gov.uk">www.warrington.gov.uk</a>
St Helens & Warrington MIND (mental health support)	01744-647089 01925 659295	<a href="http://www.sthelensmind.org.uk">www.sthelensmind.org.uk</a>
St Helens & Warrington Police – Vulnerable Persons Unit	0151-777-1585 101	<a href="http://www.merseyside.police.uk">www.merseyside.police.uk</a> <a href="http://www.cheshire.police.uk">www.cheshire.police.uk</a>
St.Helens and Warrington Dyslexia Associations	0870-990-7336 01925 320322	N/A <a href="http://www.dyslexiasupportwarrington.co.uk">www.dyslexiasupportwarrington.co.uk</a>

Victim Support St Helens & Warrington	0845 30 30 900 01925 419339	<a href="http://www.victimsupport.org.uk">www.victimsupport.org.uk</a>
Wellbeing Project (mental health support)	01928 589799 01925 666647	<a href="http://www.wellbeingproject.co.uk">www.wellbeingproject.co.uk</a> <a href="http://www.warrington.gov.uk">www.warrington.gov.uk</a>
Pakistan Association Liverpool	0151-708-9669	<a href="http://www.pakistanassociationliverpool.co.uk">www.pakistanassociationliverpool.co.uk</a>
Safe Place Merseyside & Cheshire (sexual assault referral centre)	0151-295-3550 0161 276 6515	<a href="http://www.safeplacemerseyside.org.uk">www.safeplacemerseyside.org.uk</a> <a href="https://cheshiresarc.org.uk">https://cheshiresarc.org.uk</a>
Samaritans (Liverpool & Warrington)	0151-708-8888 01925 235000	<a href="http://www.samaritans.org">www.samaritans.org</a>
<b>National Services</b>		
Action on Elder Abuse	0808-808-8141	<a href="http://www.elderabuse.org.uk">www.elderabuse.org.uk</a>
Assist (post traumatic stress disorder counselling)	01788-560-800	<a href="http://www.assisttraumacare.org.uk">www.assisttraumacare.org.uk</a>
Asylum Aid	0207-354-9264	<a href="http://www.asylumaid.org.uk">www.asylumaid.org.uk</a>
Beaumont Society (transgender support network)	01582-412-200	<a href="http://www.beaumontsociety.org.uk/">http://www.beaumontsociety.org.uk/</a>
Broken Rainbow (LGBT DV support)	0300-999-5428	<a href="http://www.broken-rainbow.org.uk">www.broken-rainbow.org.uk</a>
Bullying UK (24hr support)	0808-800-2222	<a href="http://www.bullying.co.uk">www.bullying.co.uk</a>
Campaign Against Living Miserably (CALM)	0800-58-58-58	<a href="http://www.thecalmzone.net">www.thecalmzone.net</a>
Changing Lives – Support service for vulnerable people	0191 273 8891	<a href="http://www.changing-lives.org.uk/">http://www.changing-lives.org.uk/</a>
Childline	0800-1111	<a href="http://www.childline.org.uk">www.childline.org.uk</a>
Chinese Information & Advice Centre	0845-3131-868	<a href="http://www.ciac.co.uk">www.ciac.co.uk</a>
Community Legal Service Direct	N/A	<a href="http://www.clsdirect.org.uk">www.clsdirect.org.uk</a>
Crimestoppers	0800-555-111	<a href="http://www.crimestoppers-uk.org">www.crimestoppers-uk.org</a>
Eighteen and Under (support for young people suffering abuse)	0800-731-4080 Text/Whatsapp on 07707531976	<a href="http://www.18u.org.uk">www.18u.org.uk</a>

Encompass – LGBT Group for North Wales and Cheshire	N/A	<a href="http://www.encompass.btik.com/">http://www.encompass.btik.com/</a>
FFLAG - family support – LGBT	0845 652 0311	<a href="http://www.fflag.org.uk/">http://www.fflag.org.uk/</a>
Equality & Human Rights Commission	0808 800 0082	<a href="http://www.equalityhumanrights.com">www.equalityhumanrights.com</a>
Kooth (online counselling for young people)	N/A	<a href="http://www.kooth.com">www.kooth.com</a>
Mencap (learning disabilities charity)	0808 808 1111	<a href="http://www.mencap.org.uk">www.mencap.org.uk</a>
Mermaids (young people gender identity support)	0208-123-4819	<a href="http://www.mermaidsuk.org.uk">www.mermaidsuk.org.uk</a>
Muslim Community Helpline	0208-904-8193	<a href="http://www.muslimcommunityhelpline.org.uk">www.muslimcommunityhelpline.org.uk</a>
National Domestic Violence Helpline	0808-2000-247	<a href="http://www.refuge.org.uk">www.refuge.org.uk</a>
NSPCC	0800-800-5000	<a href="http://www.nspcc.org.uk">www.nspcc.org.uk</a>
Refugee Council	020 7346 6700	<a href="http://www.refugeecouncil.org.uk">www.refugeecouncil.org.uk</a>
Respond (therapy & advice service for learning disabilities)	0808-808-0700	<a href="http://www.respond.org.uk">www.respond.org.uk</a>
Royal National Institute for the Blind	0303-123-9999	<a href="http://www.rnib.org.uk">www.rnib.org.uk</a>
SANE (mental health support)	0845-767-8000	<a href="http://www.sane.org.uk">www.sane.org.uk</a>
Scope (charity for disabled people)	0808-800-3333	<a href="http://www.scope.org.uk">www.scope.org.uk</a>
Stonewall (LGBT charity)	08000-50-20-20	<a href="http://www.stonewall.org.uk">www.stonewall.org.uk</a>
Stop Hate UK	0800-138-1625 07717989025 (text)	<a href="http://www.stophateuk.org">www.stophateuk.org</a>
Survivors UK (male sexual abuse support)	0203 5983898	<a href="http://www.survivorsuk.org">www.survivorsuk.org</a>
True Vision (national online hate crime reporting)	N/A	<a href="http://www.report-it.org.uk">www.report-it.org.uk</a>
Turning Point (social care services)	0207-481-7600	<a href="http://www.turning-point.co.uk">www.turning-point.co.uk</a>



# **Torus Anti -Social Behaviour Procedure**

**Published pursuant to Section 218A Housing Act 1996**

**Review date: March 2020**

## 1. Introduction

Our Anti-Social Behaviour Procedure [“The Procedure”] is intended to be comprehensive, clear and accessible. It operates alongside our Anti-Social Behaviour Policy and is designed to be flexible so that we can respond to the different sorts of cases of anti-social behaviour which we deal with. The Procedure:

- should be read in conjunction with our Anti-Social Behaviour Policy since the Procedure is designed to be the vehicle for delivery of the policy
- outlines our general approach to investigating and dealing with complaints of alleged anti-social behaviour
- will be subject to annual review

When applying the Procedure our overriding consideration is to consider each situation on its particular facts. The need to consider each situation on its own facts is a feature that is implicit throughout the Procedure to emphasise that the Procedure should be regarded as a framework for guidance rather than a prescriptive ‘one size fits all’ approach. Our aim is to enable the reader to understand how a complaint of anti-social behaviour is likely to be addressed whilst emphasising that each case of anti-social behaviour is unique on its facts.

This statement of procedure is published on our websites at [www.helenapartnerships.co.uk](http://www.helenapartnerships.co.uk) or [www.gght.org.uk](http://www.gght.org.uk) and is available for inspection at our offices at 4 Corporation Street, St Helens and at Bank Park House, Kendrick Street, Warrington. It is also available on request in printed hard copy form (on receipt of reasonable copying charges) as well as translation and alternative formats including Braille and large print.

We also publish a summary of our anti-social behaviour policy and procedure which is available on our websites [www.helenapartnerships.co.uk](http://www.helenapartnerships.co.uk) or [www.gght.org.uk](http://www.gght.org.uk) and is available on request in printed hard copy form as well as translation and alternative formats including Braille and large print. Copies of the summary are available free of charge.

We always welcome feedback on any of our policies, procedures or services. If you have any comments, compliments or complaints about this policy please let us know.

Feedback may be made in one of the following ways:

- by telephone to One Call: 01744 637383/01925 452452
- in person to any of our offices (see Appendix 1 for our list of offices)
- via the websites [www.helenapartnerships.co.uk](http://www.helenapartnerships.co.uk) [www.gght.org.uk](http://www.gght.org.uk)
- in writing to Helena Central, 4 Corporation Street, St Helens, WA9 1LD or Bank Park House, Kendrick Street, Warrington, WA1 1UZ

by email to [enquiries@wearetorus.co.uk](mailto:enquiries@wearetorus.co.uk)

## 2. Context

Our Anti-Social Behaviour Policy sets out a number of related supporting policies, procedures and processes which are directly relevant to anti-social behaviour cases. These matters form part of this Procedure and include issues relating to:

- Supporting complainants and witnesses
- Professional witnesses and covert surveillance
- Racial and other Harassment / Hate Crime
- Domestic violence

- Prevention of Anti-Social Behaviour
- Specialist support and Multi-agency partnerships
- Confidentiality, Data Protection and information exchange
- Publicity (with reference to our Policy and Procedure for addressing Issues of Publicity in anti-social behaviour cases)
- Protection of Staff
- Training of staff dealing with anti-social behaviour

Our Anti-Social Behaviour Policy sets out further information relating to the above matters which form part and parcel of the considerations of investigating officers in cases of alleged anti-social behaviour. The extent to which different considerations will apply and the relative importance of such considerations will vary from case to case since each case turns on its own facts.

### **3. Making a Complaint of Anti-Social Behaviour – the initial complaint**

It is important to recognise that whilst most complaints about Anti-Social Behaviour come to us directly from tenants and members of the public, in some situations information comes directly from other sources including our partner agencies e.g. the police or fire service etc. In circumstances where information comes to us directly from partner agencies this anti-social behaviour procedure will be utilised so far as is appropriate to the nature of the information and overall circumstances.

What follows is predominantly aimed to assist tenants and members of the public who may be considering making a complaint about anti-social behaviour.

#### ***How and where do I make a complaint concerning anti-social behaviour?***

A complaint regarding anti-social behaviour can be made by an individual or someone acting on their behalf (examples might be a friend, local councillor, support worker, doctor or solicitor) in a variety of ways:

- by telephone to One Call: 01744 637383/01925 452452
- in person to any of our offices (see Appendix 1 for our list of offices)
- via our websites [www.helenapartnerships.co.uk](http://www.helenapartnerships.co.uk) or [www.gght.org.uk](http://www.gght.org.uk)
- in writing to Helena Central, 4 Corporation Street, St Helens, WA9 1LD or Bank Park House, Kendrick Street, Warrington, WA1 1UZ
- by email to [enquiries@wearetorus.co.uk](mailto:enquiries@wearetorus.co.uk)

All complaints are formally recorded and investigated where possible. Sometimes investigation is not possible, for example where a complaint is made anonymously and insufficient details are provided to enable an investigation to take place. We recognise that there are some cases where complainants might genuinely be frightened to reveal their identity to us but we encourage complainants to come forward in person where possible so that they may provide us with as much detail as possible in order for us to be best placed to discuss and investigate their concerns.

#### ***What will happen when I first make a complaint of anti-social behaviour?***

Where a complaint does or might constitute anti-social behaviour it will be recorded on our anti-social behaviour case management system. Upon receipt of a complaint of anti-social behaviour the matter will be referred to a neighbourhood compliance officer (“the officer”). Basic checks to identify if there is already a case open will have been done prior to this referral where practicable but will otherwise be done by the officer upon receipt of the case.

- If an open case does exist the complainant will be contacted by their preferred access. A mutually convenient date and time will be fixed for the officer to contact the complainant to discuss the issues arising (assuming that the complainant agrees to provide contact details). We aim to arrange for this contact to occur as soon as possible at a time convenient to the complainant. In all cases we aim to arrange the first contact within 5 working days of the initial complaint unless the matter is urgent or an emergency in which case the complaint will be escalated and addressed for immediate or swifter assistance as necessary.
- If the complaint relates to a new matter (i.e. one where there is no open anti-social behaviour case) then upon receipt of the complaint the officer will assess whether the complaint is or might be regarded as anti-social behaviour and, if so, the urgency of the situation. In non-emergency cases a letter will be sent to the complainant where address details are provided and a mutually convenient date and time will be fixed for the officer to contact the complainant to discuss the issues arising (again assuming that the complainant agrees to provide contact details). We aim to arrange for this contact to occur within 5 working days of the initial complaint where possible unless the matter is urgent or an emergency in which case the complaint will be escalated and addressed for immediate or swifter assistance as necessary.

Where the complaint relates to a new matter (i.e. one where there is no open anti-social behaviour case) and where the complaint clearly does not constitute anti-social behaviour the complainant will be advised of this fact. The complainant may be signposted to a different service if this step is considered appropriate.

***What if the complaint of anti-social behaviour is an emergency or otherwise urgent?***

If any complaint received includes what might fairly be characterised as an emergency or is otherwise urgent then:

- The officer will, if appropriate, advise the complainant to contact the appropriate emergency service (police, ambulance and/or fire service) by dialling 999 and may also offer to make a report on the complainant's behalf. The complainant may also be advised to contact other agencies where appropriate – for example social services – and the officer may also be able to make a report on the complainant's behalf. It may not be appropriate to give such advice in all cases, for example if the complainant states that the emergency services have been informed and/or are already taking action in consequence; and the matter may be escalated to the anti-nuisance team for immediate consideration (within working hours) and follow up where necessary.

Victims and complainants can receive support from our out of hours service (01744 637383). However any emergency should always be reported to the appropriate emergency service (police, ambulance and/or fire service) by dialling 999 whether or not it is also reported to us and/or being actioned by us.

In the most serious cases we may be asked by the complainant or by another agency such as the police to temporarily or permanently move a victim or we may consider that such a move is necessary. Such requests will be immediately escalated to a manager within Helena Partnerships and Golden Gates Housing Trust who has authority to determine such matters.

***Do we routinely refer all anti-social behaviour complaints to the police and/or other emergency services or agencies?***

We do not routinely refer all anti-social behaviour complaints to the police, other emergency services and/or other agencies. However each case is considered on its merits and we will refer a complaint to the police or other emergency service and/or other agency if deemed necessary for the protection of an individual or class of individuals or their property. For example if the complaint involves a race/hate crime

element then this will ordinarily be referred to the police using the race/hate crime referral reporting system.

***Will Helena Partnerships and Golden Gates Housing Trust tell the alleged perpetrator that I have made a complaint about anti-social behaviour?***

We will not tell the alleged perpetrator that you have made a complaint of anti-social behaviour about them (or their family / visitors as appropriate) without your permission to do so.

If you wish to remain anonymous it may be possible to progress matters. However, it should be stressed that anonymous evidence may weaken a case and in some situations it may preclude certain action from being taken.

***Who at Helena Partnerships and Golden Gates Housing Trust will consider and address my complaint?***

More often than not the officer who contacts you will deal with your complaint. In the most serious or complex cases matters may be immediately escalated to the specialist anti-nuisance team.

The ASB team may be able to:

- provide help to resolve difficult, long standing anti-social behaviour cases
- provide close complainant support
- consider and arrange for the installation of evidence gathering equipment (e.g. discreet cameras)
- provide expert help in dealing with other agencies such as the police, professional witness and social care, etc.
- liaise with the legal department and the courts
- provide coaching and training for staff to develop local skills and confidence to ensure efficient and effective tenancy enforcement work. In addition, to share best practice and publicise successes where appropriate
- provide advice to progress cases
- prepare cases for legal action and provide advice and support

Requests for a referral to the ASB team may be made by an officer in any case where this is felt to be warranted. A referral request is made by the officer to their manager in the first instance. The manager will audit the case and refer the case (if deemed appropriate) via the anti-social behaviour case management system to the Manager of the ASB team. The referral will be considered on its merits but experience shows that typically the sorts of cases which are accepted by the anti-nuisance team include those involving criminal activity (e.g. drug dealing), harassment (whether motivated by race, sexuality or some other cause), violence, serious noise nuisance and persistent anti-social behaviour cases where lower level interventions have failed to bring the problems to a sustained end. However this is not an exhaustive list. Upon receipt of a referral the anti-nuisance team will consider it. If the referral is accepted then a tenancy enforcement officer will be allocated to the case. If the referral is not accepted then reasons will be provided and the referral request will be returned with relevant advice for the officer.

**4. After the complaint has been made – next steps**

The framework for our initial contact, and the timescales we work to, are set out above. In essence we aim to arrange contact within 5 working days in non-emergency cases and as soon as practically possible in emergency cases.

Delay can be a cause of escalation of problems in anti-social behaviour cases and so we seek to avoid delay where possible whilst recognising that a number of informal and formal steps are required in order to ensure a fair and transparent process for dealing with complaints of anti-social behaviour.

The initial officer contact is important. The officer will recognise and respect the sensitivity of the complaint. During the initial contact the officer will typically:

- introduce themselves and explain their role
- provide appropriate contact details.
- take details of the complaint(s) of anti-social behaviour and find out what action (if any) has already occurred and whether there are or might be any other complainants or witnesses
- ask a series of questions which will enable the officer to make an initial assessment of the risk and vulnerability of the complainant and/or members of his or her household and/or others alleged to be affected by the anti-social behaviour. Where deemed appropriate a risk assessment of the home environment will be arranged and carried out with a view to the installation of witness protection measures where required e.g. alarm, new locks, letterbox cover etc.
- ascertain whether a referral to any support agencies may assist – for example victim support, witness support, interpreters, social services or any other departments or agencies which offer relevant physical, emotional or other support
- discuss possible solutions if it is deemed appropriate to do so. For example in non-urgent cases there may be a discussion around the possibility of mediation in which case a request for authorisation for mediation will need to be submitted to the Manager of the ASB team. In urgent cases there may be a need to focus the discussion on available legal remedies and victim protection measures. We emphasise that each case will turn on its own facts and what is appropriate in one case at this stage may be deemed inappropriate in another case on different facts
- discuss possible tools for capturing evidence in cases with ongoing problems. This may include, but is not limited to, providing a nuisance diary and showing a complainant how to complete it. If a complainant is unable to complete the nuisance diary (e.g. because of a disability or by reason of language or literacy difficulties) alternative arrangements should be made which may include:
  - Provision of a tape recorder/Dictaphone/Electronic Recording Equipment
  - If a complainant's first language is not English arrangements can be made to have the forms translated or to use an interpreter.
  - Having another named person complete the nuisance diary on their behalf (in which case it must be made clear who has filled in the forms and whether they have used the complainant's own words in doing so)
- make arrangements for any nuisance diary (or equivalent (E/mail accounts) to be returned or collected regularly. We aim for no more than 10 working days between contacts unless a different period has been agreed with the complainant. It should be stressed to complainants that they should not wait until they have filled in all the forms before returning them as there may be incidents that should or can be dealt with urgently
- consider if the use of visual evidence using photographs (e.g. of damage) and/or CCTV may be useful to illustrate the accuracy and seriousness of the conduct complained of. Where a complainant has submitted their own visual evidence the officer should, wherever practicable, seek an account from the complainant of where and when the incident occurred as well as a description of what happened. We have the ability to make limited use of 'directed surveillance' which involves the use of cameras and/or CCTV in certain circumstances. Such steps require authorisation from the manager of the anti-nuisance team and is likely to be required in only the most serious cases or in cases where there is difficulty evidencing the conduct complained of.
- consider whether the use of audio evidence may assist. This comprises sensitive noise recording equipment owned and operated by St Helens and Warrington Council Environmental Health Departments which can be installed in a complainant's home to record sound levels. We also own

a limited supply of 'noise monitoring kits' which can be installed in a complainant's home to monitor and record noise.

- where appropriate liaise with the police. Often police can provide evidence if they have attended incidents. The police may also be able to confirm calls to their service. In certain cases the police may be able to provide evidence as to what they found when they searched a property (e.g. in drugs cases) or evidence as to the previous convictions of a tenant, their household or visitors relating to incidents at or in the locality of the property. The police may also be able to disclose to us information relating to general concerns about an area or property and information on pending criminal cases.

At the end of this initial contact if the matter is to progress then the officer should agree an initial action plan so that the officer and the complainant are clear as to what will happen next. The plan should include provision for contact between the complainant and the officer at least once every two weeks although in some cases more frequent contact will be appropriate and/or necessary.

### ***What happens next?***

This will always depend upon the nature of the case and the action plan which has been agreed. Each case turns on its own facts. However in many cases the officer may take further steps including, but not limited to, speaking to other witnesses and/or contacting support agencies or other agencies who may already have been involved and/or who may need to be involved to assist the complainant and/or someone identified as vulnerable by the process and/or transferring the complaint for investigation by another officer.

The officer will also consider any other information which Helena Partnerships and Golden Gates Housing Trust are aware of in relation to the matters under complaint or in relation to any person who is or may be affected by them.

In most cases the initial contact will not reveal a need for emergency action in which case there are a range of possible outcomes and each case will be considered on its own facts. However by way of guidance for complainants our experience demonstrates that the two most likely outcomes following a non-emergency complaint are:

1. No further action on the complaint. This may be the outcome where, for example, the complaint does not amount to anti-social behaviour or where advice given by the officer satisfactorily concludes the matter for the complainant or where the complainant refuses consent for their complaint to be further investigated. Systems should be updated to record this outcome. The complainant should be written to with confirmation of the outcome of the initial discussion and reasons why no further action is to be taken at that stage. Following a closure letter, a survey will be completed and each complainant will be contacted by telephone where possible. This research is carried out by an independent company so that customer satisfaction can be monitored and reported to Board. The complainant may seek to challenge the decision to take no further action if they are unhappy.
2. The case moves to a more formal evidence collection stage. Often it may be necessary for further steps to be taken and/or evidence to be obtained before a case can be properly assessed. Again each case turns on its own facts however where a decision is made to progress to a more formal evidence collection stage this will usually commence within two working days. At that stage the officer will explain what the evidence collection process will involve, what will be required of the complainant / witness and confirmation will be sought from the complainant / witness that they are willing to be a witness should more formal action (i.e. legal action) be required.

In some cases the initial contact will reveal an urgent need for informal or formal action. This may include a case involving the use or threat of violence, arson or attempted arson, hate related incidents or drug dealing. Each case must always be considered on its own facts. Where urgent action is being considered by the officer the case may also be escalated for legal advice. In the most serious cases urgent legal action may be commenced on the same day if necessary to protect a person or persons and/or to prevent further anti-social behavior.

## 5. The evidence collection process

At this stage various actions may occur but again the overriding principle is that each case will turn on its own facts. A case may be escalated at any time for more immediate action where this is deemed appropriate.

The case may remain with the officer who has dealt with the matter initially but this may not always be the case for operational or other reasons. Sometimes a case will need to be referred to our specialist anti- nuisance team. Should there be any change of officer the complainant will be informed and given contact details for the new officer. Any new officer will review the file and available information obtained prior to commencing work on the case.

At this stage examples of actions will typically include:

- The officer ought to ensure that there are clear lines of communication between the officer and the complainant and the officer ought to keep the complainant informed as to the progress of the investigation insofar as is permissible. This may be done by way of an action plan which sets out a clear role for the officer and a clear role for the complainant. The action plan may contain agreed methods of communication between the officer and complainant and timescales for proposed actions
- The complainant or a witness may be interviewed. A detailed witness statement may be taken at this stage if necessary. When carrying out an interview the officer is aiming to collect as much relevant information as possible in the witnesses own words. In so doing the officer should:
  - Treat the complaint seriously and reassure the complainant that their allegations will be properly investigated
  - Reassure the complainant as to the availability of help, assess the complainant's needs (if any) and support and signpost the complainant accordingly
  - Advise the complainant of our policy and procedure for dealing with anti-social behaviour and offer to provide the complainant with copies of these documents in an appropriate format
  - Record the relevant details of the incident or incidents complained of.

Issues which may typically be canvassed during an interview include:

**What is the nature of the anti-social behaviour?** Establishing issues such as the exact nature of the problem, the frequency of the problem, where it occurs, the time at which the problem occurs and the effect of the problem will enable the officer to assess the seriousness of the situation and the effect of the anti-social behaviour as well as assisting the officer with any decision as to the best course of initial action.

**Who or what is causing the anti-social behaviour?** Ideally a description should be obtained which would identify a person or persons. However, the complainant may not be able to accurately identify the perpetrator or perpetrators or may be frightened to do so. Generally speaking the officer must be provided with sufficient information to enable them to progress an investigation.

**Has any action been taken already and, if so, by whom?** There may be information from some other agency (e.g. the police) to document the existence of a problem or concern. However the absence of any previous action is no bar to action being taken by the officer.

Wherever appropriate complainants should be encouraged to approach the perpetrator to have an informal chat with them and to ask them to modify their behaviour and to explain how their behaviour makes them feel. This keeps ownership of the problem with the complainant and sometimes perpetrators will react more positively to this rather than a figure of authority telling them what to do. However in some cases it may be extremely unwise or impossible for a complainant to seek to approach a perpetrator. Each case turns on its own facts. The officer can provide advice and guidance on this issue.

**Who is affected?** The answer to this question informs the risk assessment process and may provide information about additional witnesses and other forms of supporting evidence. It may also identify other vulnerable members of the community that require support.

**Why does it happen?** The motive of anti-social behaviour may be unknown but often complainants are able to provide useful information as to why anti-social behaviour is occurring or why it may be occurring. The evidence may point to harassment or criminal behaviour (in which case the incident is more likely to be treated as urgent and may be communicated to the Police). Sometimes information will point to the perpetrator having a drug or alcohol addiction which may be the cause, or a contributing factor, to the anti-social behaviour and which may be capable of being addressed via supportive intervention. Again each case turns on its own facts.

- Agency checks may be carried out. This may involve liaison with agencies such as Merseyside & Cheshire Police and/or Mental Health Services
- The initial risk assessments will be reviewed and if deemed appropriate revised following any material change in circumstances.
- There may be liaison with the police directly or via the monthly Neighbourhood Action/PTAC Group meetings. If the case involves domestic violence then the officer should liaise with the police and IDVA (Independent Domestic Violence Advice) support service which will offer advice and support and ensure that a referral is made to a multi-agency risk assessment conference if appropriate.
- Consideration should be given for the need for a referral or referrals to partner agencies for support/help. Such considerations apply to a complainant, witness, perpetrator and/or some other person who is or may be affected by the issues complained about.
- All details collated during the initial interview and any subsequent more formal evidence collection process should be logged using detailed, clear, signed and dated file notes or entries on our case management system. Copies of letters, emails and other documents must be retained. Systems should be updated to give a 'live' position for every case wherever possible.
- In the majority of cases the alleged perpetrator will be contacted during this part of the process so that the allegations may be put to him or her. Often this will be done very early in the investigation process because making the alleged perpetrator aware of the problems they are causing will often be enough to resolve the problems. We aim to contact alleged perpetrators within 10 working days of the complaint being made to us however it must be emphasised that the timing of notification of a complaint or complaints to an alleged perpetrator will differ in each case and will be the subject of discussion between the officer, the complainant and where appropriate any other agencies who may be involved in the investigation (e.g. the police). In very serious cases the officer may seek a protective

order from the court using legal action such as an injunction without notifying the alleged perpetrator at all before the event.

Where perpetrators are to be interviewed the following general principles are applicable:

- Before interviewing the alleged perpetrator contact should be made where possible with relevant partner agencies to ascertain if there is any additional information that may be relevant to the case. The alleged perpetrators need for support at interview should be considered e.g. the use of an interpreter.
- Risk to staff will be assessed before the interview stage in order to determine the most appropriate venue to interview the alleged perpetrator and who should conduct the interview. Steps will be taken to ensure the safety and well-being of any officer carrying out any interview with alleged perpetrators
- Where deemed appropriate by reason of risk or otherwise the police may be invited to attend any interview
- A letter should be sent to the alleged perpetrator informing them that complaints have been received and providing them with information as to the nature of the complaints. The letter ought to invite the alleged perpetrator to the interview or inform them of a visit in order that they may have the opportunity to hear, consider and respond to any complaints and where appropriate agree an action plan with the officer with the aim of resolving the complaints. The letter ought to inform the alleged perpetrator that they may choose to have someone with them for support should they wish to do so. The letter should not reveal the identity of any complainant unless there is consent to do so.
- Where the alleged perpetrator is under 18 years of age a copy of the letter should be sent to the parent/guardian who should be asked to attend the interview or to arrange for the attendance of a responsible adult.
- At the interview the needs of the alleged perpetrator must be considered – this may include a need for additional support at the interview.
- Allegations should be clearly stated to the alleged perpetrator without disclosing the identity of the complainant save where the officer has consent to do so.
- The alleged perpetrator must be given the opportunity to respond to the allegations. It is important that officers remain impartial throughout the interview and capture the alleged perpetrator's version of events. The interview should be conducted in a searching manner to ascertain if there are any discrepancies in the details.
- Where the interview reveals counter allegations made by the alleged perpetrator these will be assessed and, if deemed necessary, investigated applying the principles set out in this procedure insofar as applicable to the facts of the case.
- At the interview the officer will seek to identify any support needs which the alleged perpetrator may have and will endeavour to signpost the alleged perpetrator to any relevant support which they may wish to access.
- Where appropriate the officer will attempt to agree with the alleged perpetrator any steps or actions which might remove or reduce the incidents of complaints.
- The key outcomes of any interview will be agreed with the alleged perpetrator at the conclusion of the interview (often by way of an action plan). The action plan should be signed and dated by the officer and by the alleged perpetrator. If the alleged perpetrator refuses to sign or does not agree with the action plan then this should be recorded by the officer.
- To the extent that a perpetrator accepts the accuracy of complaints of anti-social behaviour at interview the officer may decide in their discretion to take some further step at that stage which may include, but is not limited to, issuing a warning to the perpetrator.
- A letter summarising the outcome of the interview and any action plan should be sent by the officer to the alleged perpetrator within 3 working days of the interview.
- Notes of the interview and outcome should be added to the case management system.

- If the alleged perpetrator is under 18 years of age copies of any subsequent correspondence should also be sent to the parent/guardian.

It is important that consideration is given to the individual circumstances of the alleged perpetrator (and/or their parent/guardian as appropriate) when arranging and conducting an interview and when investigating a case and any options under consideration.

If the alleged perpetrator does not attend an appointment without good reason then the officer should write to him / her and detail that they have failed to attend their appointment without good reason and that further steps may now be taken to address the complaints. The alleged perpetrator should be provided with a named contact and specific contact details should they wish to make contact. They should be advised to make contact with the officer as soon as possible upon receipt of the letter.

### ***What happens next?***

Once sufficient evidence and information is available the officer will consider whether the case ought to be closed or progressed further (whether by way of monitoring for a period or by way of a more pro-active approach – see below). As noted earlier in this procedure a case may be escalated for more immediate action at any time where this is deemed appropriate. Each case turns on its own facts.

A decision may be made to take no further action and close a case. This may be for a range of reasons, for example because the complainant does not support further action, because there is insufficient evidence to identify a perpetrator and/or if the evidence provided in support of a complaint of anti-social behaviour is found to be unreliable. Again each case turns on its own facts. However in all cases where a decision to take no further action is being considered the officer will take reasonable steps to contact the complainant(s) to indicate his or her provisional conclusions and to give the complainant(s) an opportunity to comment upon any proposal. At that stage the officer will make a decision to either progress the case (whether by monitoring or a more pro-active approach – see below) or to take no further action and close the case. The case management system should be updated to record the outcome.

In the event of a decision to take no further action and close a case the complainant(s) should be written to within 5 working days of the decision with confirmation of the decision and the reasons why no further action is to be taken at that stage. Following this closure letter, a survey will be completed and each complainant will be contacted by telephone where possible. This research is carried out by an independent company so that customer satisfaction can be monitored and reported to Board. The complainant may seek to challenge the decision to take no further action if they are unhappy.

A decision to monitor or progress the case will move matters on to the next stage.

## **6. Further Action**

If further action is considered appropriate at this stage there are a number of courses of action available subject, as always, to consideration of the particular facts of the case. Cases will remain under regular review so that any material change in facts / circumstances can be taken into account. A case may be escalated at any time for more immediate action where this is deemed appropriate.

Available steps / actions may include some or all of the following:

- Monitoring of the case

Monitoring is for a defined period with a review every 10 working days during the monitoring period. Events during the monitoring period may lead to more pro-active action being taken at any stage where this is required.

- Prevention & Intervention techniques

Effective prevention and intervention relies on the innovation and creativity of the officer. Officers should share their successes with colleagues on a regular basis since prevention contributes to a more buoyant community where used successfully and enables us to concentrate resources on those cases which require them most.

- Warning letter

This should set out clearly the complaints, the reason for the warning and the likely consequences should the conduct complained of not stop.

- Mediation

If it has been agreed with the complainant that mediation is appropriate this must be discussed with the alleged perpetrator and their agreement obtained before a referral is made. If mediation is refused it should be explained to the alleged perpetrator that further action may be taken if the problems continue. This offer and refusal should be recorded on the case management system.

- Acceptable Behaviour Contract [“ABC”]

These are voluntary agreements signed by the perpetrator in which they agree not to do those things which are prohibited by the agreement (for example enter a particular area or make noise which can be heard outside of their property between certain hours of the day or night). They are often used in lower level cases where the perpetrators are children or young people. They can however, be used for adults where appropriate. If an individual is offered an agreement and refuses to sign it the refusal and reasons (if known) should be noted on the case management system.

- Parental Control Agreements [“PCA”]

Parental responsibility and engagement is often critical to the successful resolution of complaints concerning children. If a person subject to an ABC is under 18 years of age their parents/guardians may be asked to sign a PCA. This is a voluntary agreement aimed at reinforcing the message that the behaviour complained of will not be tolerated. The PCA requires the parent/guardian to agree to take steps to ensure that the problem behaviour is addressed. The consequences of failing to change the behaviour will be stressed. If a parent / guardian is offered an agreement and refuses to sign it then the refusal and reasons (if known) should be documented on the case management system.

- Referral to another agency

A variety of agencies may become involved in an anti-social behaviour case in the case of an alleged perpetrator (consideration of such referrals will be equally applicable in the case of complainants, witnesses or other affected persons depending on the circumstances of the case). Examples of partner agencies are provided in our Policy and include:

- Community Mental Health Team - may be able to help in cases where there are concerns over mental health problems
- Schools - may become involved in cases that are connected to educational issues (e.g. If there is truancing or where there are special educational needs)
- Police - may be informed and assist where there has been criminal activity or to highlight an area as a 'hot spot'.
- Fire and Rescue Service - facilitate Firesmart programmes for young people engaged in fire related anti-social behaviour
- Victim Support - offer support and advice to residents who have been a victim of crime and ASB

Referral criteria and methods of referral differ from agency to agency. Officers should offer advice on available options once they have had an opportunity to ascertain which agencies, if any, may be open to a referral or referrals.

- Legal action [which may include use of any of the powers lawfully available to us (including, but not limited to, civil injunctions with or without a power of arrest, demotion and possession orders including use of the absolute ground for possession) or support for remedies pursued by other agencies - for example criminal proceedings, the closure power, criminal behaviour orders, dispersal powers, the public spaces protection order, the community protection notice and the community remedy]. There are a number of potential options for legal action but not all options will be suitable in all situations. Each case turns on its own facts and circumstances. A detailed consideration of each of the options available to us and our partners is beyond the scope of this Procedure. However where an officer considers that legal action ought to be considered then ordinarily the case will be reviewed and transferred to the ASB team where a specialist tenancy enforcement officer will be appointed to review and progress the case. Legal advice may be obtained before any legal action is taken and/or during any subsequent legal action.

Before a decision is taken to issue legal proceedings then unless there is an urgent need to proceed the officer reviewing the case will make internal checks to ascertain whether there are any other current relevant legal proceedings which need to be borne in mind. Thus, by way of example, before taking possession proceedings in respect of allegations of anti-social behaviour the officer will typically ascertain whether there are any existing relevant legal proceedings for possession by reason of some other factor (e.g. rent arrears or other breach of tenancy) in which case the officer may seek legal advice to enable the officer to determine the appropriate way of progressing the matters concerning anti-social behaviour.

Where legal action is taken the complainant will be supported through the process with the use of tools including court familiarisation visits, the provision of transport to and from court and discussion around ongoing support and/or support referrals at the conclusion of enforcement action where appropriate.

Complainants should continue to be made aware of the out of hours anti-social behaviour advice line (Tel: 01744 637383) and that in an emergency they should call the emergency services irrespective of whether they report matters to Helena Partnerships and Golden Gates Housing Trust. Evidence of continuing complaints must be collected and passed to the anti-nuisance team and/or legal department as appropriate during an ongoing case.

At any stage a decision may be reviewed and/or reversed and an alternative decision substituted if the circumstances merit it.

## **7. Complaints about the way we have dealt with anti-social behaviour**

If at any stage a complainant or witness is unhappy with the service they receive they may bring their concern to our attention in a number of ways which are summarised below.

### **Complaints Procedures**

Complaints can be made by an individual or someone acting on their behalf (examples might be a friend, local councillor, support worker, doctor or solicitor) in a variety of ways:

- by telephone to One Call: 01744 637383/01925 452452
- in person to any of our offices (see Appendix 1 for our list of offices)
- via our website [www.helenapartnerships.co.uk](http://www.helenapartnerships.co.uk) or [www.gght.org.uk](http://www.gght.org.uk)
- in writing to Helena Central, 4 Corporation Street, St Helens, WA9 1LD or Bank Park House, Kendrick Street, Warrington, WA1 1UZ
- by email to [complaints@wearetorus](mailto:complaints@wearetorus)

We will let you know when we receive your complaint by acknowledging receipt in writing. We aim to do this within 2 working days. If we receive a complaint by email we aim to acknowledge receipt within 4 working hours.

Helena Partnerships and Golden Gates Housing Trust operates a 2 stage internal complaints procedure. If a customer is unhappy with our Stage 1 (Service Manager) response then they may appeal and have their complaint reviewed at Stage 2 (Senior Manager). We aim to respond in writing to Stage 1 complaints within 10 working days and to Stage 2 complaints within 10 working days.

If you exhaust our internal complaints procedures and remain unhappy you may decide to take your complaint further in which case:

- Under the Localism Act 2011 you may approach a Designated Person and ask them to act on your behalf. A Designated Person may be:
  - Any Member of Parliament
  - A Local Ward Councillor
  - A Designated Tenant Panel

They will tell you if they are prepared to act on your behalf and may, after due consideration, refer your case to the Housing Ombudsman service.

- You may decide to refer your case directly to the Housing Ombudsman service. The Housing Ombudsman Service will usually only consider your complaint once 8 weeks have elapsed following our closure of your complaint.

Copies of our complaints procedure are available on request in printed hard copy form as well as translation and alternative formats including Braille and large print.

### **ASB case reviews**

A complainant may also be able to request an external case review. The circumstances in which a review may be requested and the ways by which a review may be requested are contained in the document titled *St. Helens and Warrington Community Safety Partnership: Community Trigger* which is available from St Helens Council and Warrington Council or on request from us in printed hard copy form as well as translation and alternative formats including Braille and large print.

The document sets out the threshold for carrying out an ASB Case Review, the definition of a qualifying complaint and the considerations which will be relevant to consideration of whether the threshold has been met. There are also details of what happens once a request for an ASB case review is made, how the review panel is constituted, what the review panel can do, what outcomes are open to the review panel and available appeal mechanisms in the event of a complainant being dissatisfied with the outcome of an ASB case review.

## **APPENDIX 1**

### **Head Office**

Helena Central, 4 Corporation Street, St Helens, WA9 1LD  
Open Monday to Friday 9am-5pm

Bank Park House, Kendrick Street, Warrington, WA1 1UZ  
Open Monday to Friday 9am–5pm